

A Special Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, September 28, 2010, at 3:00 PM at Clark Memorial Clubhouse, Men's Lounge, 19 N. Ninth Street, Clarkdale, Arizona.

CALL TO ORDER - Meeting was called to order at 3:00 PM by Mayor Von Gausig.

Town Council:

Mayor Doug Von Gausig
Vice Mayor Richard Dehnert

Councilmember Patricia Williams
Councilmember Curtiss Bohall
Councilmember Bill Regner

Town Staff:

Town Manager Gayle Mabery
Community Development Director Sherry Bailey
Human Resources/Community Services Director Janet Perry
Acting Police Chief Troy Smith
Utilities Director Wayne Debrosky
Public Works Director Steve Burroughs

PUBLIC COMMENT – The Town Council invites the public to provide comments at this time. Members of the Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. §38-431.01(G), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. Persons interested in making a comment on a specific agenda item are asked to complete a brief form and submit it to the Town Clerk during the meeting. Each speaker is asked to limit their comments to five minutes.

There was no public comment

CONSENT AGENDA - The consent agenda portion of the agenda is a means of expediting routine matters that must be acted on by the Council. All items are approved with one motion. Any items may be removed for discussion at the request of any Council Member.

A. Reports - Approval of written Reports from Town Departments and Other Agencies

Building Permit Report – August 2010
Capital Improvements Report - August 2010
Magistrate Court Report – August 2010
Police Department Report – August 2010
Water and Wastewater Report – August 2010
Clarkdale Fire District Report and Mutual Aid Responses Report – August 2010
Cottonwood Area Transit (CAT) Operations Report – August 2010
Verde Valley Humane Society – August 2010

B. Intergovernmental Agreement Between the State of Arizona Through its Department of Transportation (ADOT) and the Town of Clarkdale – Approval of an Intergovernmental Agreement (IGA) between the State of Arizona through its Department of Transportation (ADOT) and the Town of Clarkdale for bridge inspection

services.

- C. **Resolution Making Appointments To The Board Of Adjustment** – Approval of a resolution amending Resolution #1312, making appointments to the Board of Adjustment.
- D. **Resolution Making Appointments To The Design Review Board**– Approval of a resolution amending Resolution #1313, making appointments to the Design Review Board.
- E. **Resolution Making Appointments To The Parks And Recreation Commission** – Approval of a resolution amending Resolution #1315, making appointments to the Parks and Recreation Commission.
- F. **Resolution Making Appointments To The Planning Commission** – Approval of a resolution amending Resolution #1332, making appointments to the Planning Commission.
- G. **Resolution Making An Appointment To The Public Safety Personnel Retirement Board** – Approval of a resolution amending Resolution #1309, making an appointment to the Public Safety Personnel Retirement Board.
- H. **Resolution Making An Appointment To The Heritage Conservancy Board** – Approval of a resolution amending Resolution #1325, making an appointments to the Heritage Conservancy Board.
- I. **Yavapai County Free Library District Library Service Agreement**– Approval of the 2010–2011 Yavapai County Library District Library Service Agreement with the Town of Clarkdale.
- J. **Funding Agreement Between the Arizona Department of Housing and the Town of Clarkdale for Broadway Road Improvements** – Approval of the Funding Agreement with the Arizona Department of Housing for the Community Development Block Grant (CDBG) Broadway Road Improvement Project.

Councilmember Williams moved to accept the Consent Agenda Items A through J as prepared by staff. Motion seconded by Councilmember Bohall. Motion approved unanimously.

NEW BUSINESS

UPDATE BY THE HERITAGE CONSERVANCY BOARD REGARDING THE STATE CENTENNIAL PLANS - An update by the Heritage Conservancy Board regarding the State Centennial Plans.

The Town Council requested the Heritage Conservancy Board to lead the organization of the 2012 Centennial Celebrations for the Town of Clarkdale. On October 21st, 2009, the Heritage

Conservancy Board agreed to accept this role in preparing for the State and Town Centennials in 2012.

The State has asked Arizona municipalities and counties to celebrate the state centennial throughout 2012. In an effort to accomplish this, the Yavapai County Centennial Committee was formed. The Yavapai County Centennial Committee meets once a month and is working on several projects, including coordinating celebrations at each of the municipalities throughout the county. Drake Meinke, Heritage Conservancy Board Chairperson, has accepted the role to represent the Town of Clarkdale on this committee.

The Heritage Conservancy Board continues to discuss different ideas for the Centennial Celebrations. The Heritage Conservancy Board has invited the Clarkdale Historic Society and Museum and the Clarkdale Chamber of Commerce to get involved in the planning of the Centennial events.

Drake Meinke – HCB Chair described a notebook being made available for each kiosk. He attended a Northern AZ Centennial Summit in Flagstaff 3 weeks ago, a meeting to discuss a variety of ideas for celebrations throughout the state. He described many ideas and presented a display illustrating potential Centennial projects. He recommends Clarkdale's Historic District be a Legacy Project and distributed a possible submission for that idea. The Mayor asked how HCB is moving forward; Drake stated the Legacy Project will be their focus. The Town Manager noted 7-1-12 is the Town's Centennial, making the 4th of July celebration an appropriate date of recognition. Council members were in agreement.

A RESOLUTION AMENDING RESOLUTION #553 BY CHANGING THE COMPOSITION OF THE LIBRARY ADVISORY BOARD OF THE TOWN OF CLARKDALE - Discussion and consideration of a Resolution amending Resolution #533, changing the composition of the Library Advisory Board from seven (7) members to five (5) members.

In 2008, the Library Advisory Board (LAB) Application Review Committee requested the Deputy Clerk to investigate why the Board was the only Board/Commission that had seven (7) members. The Deputy Clerk found no legal reason for the LAB to be a seven (7) member Board. This information was presented to the 2009 Library Advisory Board Application Review Committee, who then recommended changing the composition of the Board to five (5) members through attrition by not appointing members to fill vacancies throughout the year.

The LAB was originally created by Resolution #553 on December 13, 1988. The LAB is not mentioned in Chapter 17 – Boards and Commission, thus not requiring an ordinance change. Section 2-4-7, Committees and Commissions of the Clarkdale Town Code, gives the Council the authority to create boards, committees, and commissions. Currently, the LAB has three (3) vacancies due to resignations. The proposal to Council is to create a five (5) member LAB through attrition.

Councilmember Bohall moved to approve Resolution # 1353, A Resolution Amending Resolution #553 by Changing the Composition of the Library Advisory Board of the Town of Clarkdale. Motion seconded by Vice Mayor Dehnert. Motion approved unanimously.

A RESOLUTION MAKING APPOINTMENTS TO THE LIBRARY ADVISORY BOARD – Discussion and consideration of a resolution amending Resolution #1308, making appointments to the Library Advisory Board.

The Library Advisory Board has six vacancies, three terms expiring September 30, 2010 and three vacancies. Paula Olguin, Roberta Peterson, Sue Hill and Joy Best have applied. The Application Review Committee met, reviewed the applications and put forward their recommendation that Paula Olguin, Roberta Peterson, and Sue Hill be appointed to a two year term on the Library Advisory Board and Joy Best be appointed to a three year term in order to stagger terms. Approval of this recommendation would comprise the LAB of five members.

Councilmember Bohall moved to approve Resolution # 1354, a Resolution Amending Resolution #1308, Making Appointments to the Library Advisory Board. Motion seconded by Vice Mayor Dehnert. Motion approved unanimously.

WORKSESSION ON THE REGULATION OF FIREWORKS WITHIN THE TOWN BOUNDARIES – Discussion regarding the local regulation of fireworks.

HB2246 from the Second Regular Session of the 49th Arizona Legislature 2010 authorizes the sale of certain kinds of consumer and display fireworks in the state. It defines these fireworks and authorizes the State Fire Marshal to adopt rules regarding the sale of fireworks and requires retailers to comply with those rules. The legislation includes provisions allowing cities and towns flexibility to regulate the use of fireworks within their municipal boundaries. The bill is effective December 1, 2010.

As a result of significant interest expressed by cities and towns relating to the regulation of fireworks in their jurisdictions, the League of Arizona Cities and Towns put together a work group to develop guidelines for implementing HB2246, as well as a model ordinance that communities could customize depending in their level of interest in regulating fireworks.

The League's Model Ordinance is written to give cities and towns a menu of options to consider. The options are completely up to the individual cities and towns, and include a broad range of possibilities, including:

- Entirely banning the use, discharge or ignition of fireworks within the city/town
- Banning the use in most cases, but providing exceptions for:
- The use, discharge or ignition of fireworks within the City/Town on certain days (i.e. Fourth of July and New Year's Eve) and during certain hours (i.e. 4:00 p.m. and 10:00 p.m.)
- Banning the use, discharge or ignition of fireworks on all public property including in all public parks and public right of way.
- Banning the use, discharge or ignition of fireworks on days specified by the Fire Marshall/Chief as presenting a high fire danger.
- Allowing Fireworks only with a permit issued by the Fire Marshal/Fire Chief, or a designee.

Several jurisdictions in the Verde Valley are considering the adoption of some sort of fireworks regulations. The Clarkdale Fire District is interested in seeing the Town of Clarkdale adopt an

ordinance that regulates fireworks in some way, and are expected to discuss their recommendations at their September 16th Board Meeting.

It is important to note that, out of concern for increased fire dangers, the local Fire Districts/Departments are taking the lead role in advocating for the adoption of local ordinances regulating the use of fireworks. However, enforcement of any ordinance that is adopted will primarily fall to the Clarkdale Police Department.

Chief Moore's reported that the Fire District Board has unanimously agreed to a complete ban of fireworks. A concern is that if Clarkdale remains a lone town approving the use of fireworks, we are inviting increased activity to our area. A positive is that enforcement is clearer if ban is complete, year round. It was clarified the ban would be for private use, not to affect commercial firework displays. Forest Service maintains a zero tolerance for use of fireworks. Chief Moore will return data on number of fires started each year by use of personal fireworks.

Discussion: The capability exists to legally restrict certain sales in certain areas; good signage is a vital part of informing of the enforcement; it would be a misdemeanor offense; whether or not to include sparklers in list of prohibited 'novelty items' in the ban, deciding to leave novelty items exempt from the ban.

Council directed staff to work with the Clarkdale Fire District to develop an ordinance regulating the use of fireworks in the Town of Clarkdale.

ISO'S (INSURANCE SERVICES OFFICE, INC.) PUBLIC PROTECTION CLASSIFICATION SUMMARY REPORT FOR THE CLARKDALE FIRE DISTRICT - A review from Clarkdale Fire District Chief Joe Moore of highlights in the Public Protection Classification Summary Report.

The ISO collects and evaluates information from communities in the United States on their structure fire suppression capabilities. In each of those communities, ISO analyzes data and assigns a Public Protection Classification (PPC) – a number from 1 to 10, with Class 1 representing exemplary fire protection. The surveys are conducted whenever it appears that there is a possibility of a classification change.

The efforts of the Fire Department/District itself are only one part of the overall criteria used to determine the PPC. A community's PPC depends on:

- Fire alarm and communication systems, including telephone systems, telephone lines, staffing and dispatching systems.
- The fire department, including equipment, staffing, training and geographic distribution of fire stations/companies.
- The water supply system, including condition and maintenance of hydrants, and a careful evaluation of the amount of available water compared with the amount needed to suppress fires.

The last time ISO came to Clarkdale to conduct a full evaluation of the department, water system and communication systems, was in 1989. As a result of the 1989 evaluation, Clarkdale's ISO rating was 7/9. Properties which are over 1000 feet from the nearest hydrant were classified as a

“9” and those within 1000 feet were rated a “7”. Obviously, much has changed in Clarkdale since the last ISO evaluation. In 1989, Clarkdale had an all-volunteer municipal department. In those days, although we had very dedicated personnel, there were not very many of the policies/procedures and standards in place that ISO looks for during an evaluation. Since the Clarkdale Fire District formed, they have strived to improve the service they provide to the community in many ways, including:

- Consistent equipment testing, i.e. hydrants, hoses, ladders, engine pumps, etc.
- Extensive documentation of maintenance and repair records of equipment and apparatus.
- Purchase of equipment, i.e. large diameter hose, pike poles, attic ladder, nozzles, etc.
- Additional manpower. With the assistance of a SAFER grant, the Clarkdale Fire District was able to hire three additional personnel in March 2009, resulting in three full-time personnel on every shift.
- Personnel training. A large part of a firefighter’s time is spent training. The amount and type of training is now methodically tracked and documented.

In addition, the Town of Clarkdale purchased the local water company from a private owner. Private owners of water systems in Arizona have no responsibility to provide water for fire protection. With that in mind, prior to the Town’s purchase in 2006, there was no reason for the private water company owner to make capital improvements to the water system specifically for fire protection. The Town of Clarkdale does have a responsibility to provide water for fire protection, and is funding projects specifically to improve fire protection capacity.

ISO’s PPC Program plays an important role in the underwriting process at insurance companies. Most U.S. insurers use PPC information as part of their decision making process when deciding what business to write, coverage’s to offer or prices to charge for personal or commercial property insurance.

Because many of the changes since the 1989 rating were expected to improve the community’s PPC, and could, therefore, have a positive impact on insurance rates for property owners in Clarkdale, Clarkdale Fire Chief Joe Moore requested a review from ISO in 2009. As a result, representatives from ISO conducted a review for the Clarkdale Fire District which began in 2009 and concluded in February, 2010. The review included evaluations not only of the Clarkdale Fire District, but of the Town of Clarkdale’s water delivery system for fire suppression. As a result of the review and subsequent report, the PPC for Clarkdale improved from 7/9 to 5/9.

Clarkdale Fire District Chief Joe Moore reported that challenges to ISO’s data resulted in the 5/9 rating being brought very near 4/9. Chief Moore will continue working through remaining data hoping to reach the 4/9 rating. A letter of accreditation from ISO will be issued, each homeowner will need to address the rating with their own homeowner insurance.

AUTHORIZATION TO ALLOW A TEMPORARY USE AS A HAUNTED HOUSE AT THE OLD SCHOOL HOUSE LOCATED AT 600 FIRST NORTH FOR THE WEEKENDS LEADING UP TO HALLOWEEN – Discussion and consideration regarding a temporary use as a haunted house requested by Ron Roope of Haunted Tours of Jerome for the property located at 600 First North.

The owners of the old school house at 600 First North Street and Ron Roope of Haunted Tours of Jerome have requested that the Council allow them a temporary use for the weekends of

October 8, October 15, October 22, and October 29, 2010. They would like to have a haunted house tour at that location. They intend on using just half of one floor and will be holding the tours only on the above mentioned weekends Friday through Sunday. This haunted house design will be similar to the ones that used to be held at Young's Farm. Individuals will enter only on the First North side through the main entrance. This entrance will be lighted with low level lights to prevent light pollution but provide for safety. There will be attendants in each room with flashlights to direct traffic and prevent any mishap. The attendees will park in front of the school and at the ball field.

The school is in a R-3 multi-family zone. It has historically been used not just as a school but as individual artist's studios. This request does not fit neatly into any category in our Zoning Code. Normally, such a request would be handled as a conditional use which would run with the land. However, since this is a temporary use request which will expire after Halloween a conditional use did not seem appropriate. A rezoning also did not seem warranted. Given the short nature of the request, staff believes this does fit under the accessory use definition of the Code that allows uses incident to a permitted use, in this case the artist's studios.

Discussion: The neighbors that have been informed of the request have not expressed negativity. The homes nearby should be notified. There was concern about closing time.

Ron Roope of Haunted Tours of Jerome stated that they have walked the school neighborhood and spoken with many residents who were all receptive to the idea, saying Supervisor Davis suggested the idea of a haunted house in the school building. He shared a promotional poster. A visit through the haunted house would last about 30 minutes. Mr. Roope will report back regarding whether or not this a taxable operation. The noise level should not be a factor. Chief Moore would like to inspect the premises every Friday. Proceeds will benefit local museums.

Mayor Von Gausig moved to authorize the temporary use as a haunted house for 600 First North Street on the weekends of October 8, October 15, October 22, and October 29 with the following stipulations:

- a. The hours are limited to 6:00 p.m. to 10:30 p.m. Friday and Saturday only on the above stated weekends.
- b. The interior design must receive approval from the Clarkdale Fire Department and the Fire District will inspect the premises prior to operation.
- c. All parking must have directional signage and be limited to First North Street and the ball field site.
- d. Exterior lighting will be low level and will not violate the town's night sky lighting ordinance.
- e. The structure, both interior and exterior, will be returned to its original state with all evidence of the last haunted house removed within one week of the end of event.

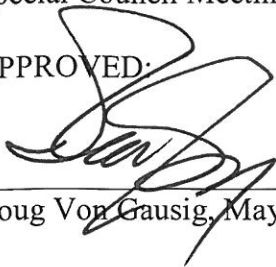
Motion seconded by Vice Mayor Dehnert. Motion approved unanimously.

FUTURE AGENDA ITEMS - Listing of items to be placed on a future council agenda

None.

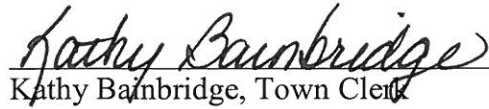
ADJOURNMENT - Without any further business, the Council adjourned at 4:20 P.M.

APPROVED:



Doug Von Gausig, Mayor

ATTESTED/SUBMITTED:



Kathy Bainbridge, Town Clerk